UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/25
11 January 1994
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 11 JANUARY 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of the latest developments with regard to Iraq's non-compliance with Security Council resolution 687 (1991) and all the other relevant resolutions since the Council's last review, on 18 November 1993, of the sanctions regime imposed on Iraq.

The course followed by Iraq in the matter of its obligations under the relevant Security Council resolutions remains unchanged.

The repeated Iraqi allegations that Kuwait is a part of Iraq are clear proofs of Iraq's lack of concern about complying with the relevant Security Council resolutions. Furthermore, those allegations are a clear and unequivocal proof that Iraq is not ready to acknowledge the sovereignty, independence and territorial integrity of Kuwait, an issue that lies at the core of all the relevant Security Council resolutions, in particular resolutions 687 (1991) and 833 (1993).

The following is a review of the most recent Iraqi allegations concerning Kuwait, since the last review:

Iraqi claims that Kuwait is a part of Iraq

Senior Iraqi officials and all the information media assiduously reiterate the empty claims and lying assertions that Kuwait is the nineteenth governorate of Iraq and the threat of another invasion, in blatant violation of Security Council resolutions, in particular the second preambular paragraph of cease-fire resolution 687 (1991), which was accepted by Iraq unconditionally.

In our previous letters to your esteemed Council, we have emphasized on numerous occasions that the gravity of these claims, which were the major cause of the invasion, lies in the fact that they unmask the continuation of the aggressive intentions harboured by Iraq against Kuwait and the indomitable will to create a state of instability in the region, expressed in Iraq's invasion of Kuwait and still evident in its express rejection of resolution 833 (1993).

We shall recall for you and your esteemed Council some of these Iraqi claims that have emerged since the previous review up to the date of the drafting of this letter.

1. On 24 November 1993, the Iraqi newspaper Al-Jumhuriyah published one part of an article entitled "Questions of defiance in an age of challenges", by Salah Mukhtar, the Editor of the paper. In it he answers questions such as: Why did we go into Kuwait? Why did we refuse to withdraw from Kuwait? Why did we withdraw from Kuwait? The writer, in his article, when speaking of the objectives of Iraq's invasion of Kuwait - which he calls "the liberation of Kuwait" - refers to "the consolidation of Iraq's right to a part of it that was severed by force (Kuwait) and the inculcation of awareness of this right in world and Arab public opinion".

The writer affirms what he said about Kuwait in another part of this article, namely: "The other direct objective was to revive the issue of the Iraqi character of Kuwait, for Iraq's conviction that this severed part of the mother country might turn into a dangerous instrument for sabotage removed all elements of the patience and tolerance that governed Iraq's dealings with the artificial entity that Great Britain established in Kuwait and made it necessary to open up the whole file on Kuwait".

2. On 24 November 1993, the Iraqi newspaper Iraq published an article entitled "Oh our people in Kuwait ... ! How long?", by Qasim Hasan, in which he said, as though shouting: "Frontiers? Frontiers? Kuwait must be returned".

In the next paragraph of the same article, the writer refers to Kuwait as though it were a part of Iraq and had no other option. He says: "Kuwait with the ... family will remain a prisoner of one of two situations, either foreign occupation or the flight of its thieving rulers with the first shot fired across the trench. So consider. How long? How long?"

3. On 27 November 1993, the Iraqi newspaper Al-Jumhuriyah published an article entitled "The rulers of Kuwait and foreign muscle", by Lutfi al-Khayyat, threatening and menacing Kuwait. In one paragraph, he says that the day will inevitably come when they (the Coalition States) will abandon the rulers of Kuwait, and on that day accounts will be settled and that policy, in the colonialist Western sense, is based not on friendly relations but on interests.

In the next paragraph, he says: "The rulers imposed on Kuwait must know well that he who relies on another for his protection cannot sleep tranquilly, and he who relies on the muscle of another cannot have a strong hand, for any breath of wind can easily break that hand".

4. On 29 December 1993, the Iraqi newspaper Babil - of which Udayy Saddam Hussein, the son of the leader of the Iraqi regime, is Editor-in-Chief - in a news item entitled: "For lack of men", used, as it normally does when relating news about Kuwaiti affairs, expressions intended to indicate that Kuwait is still a part of Iraq: "For the first time in the history of Kuwait Governorate, a woman has been appointed to the post of ambassador. The newspapers that appeared in the Governorate today, Tuesday, state that yesterday, Monday, Nabilah al-Mala took the oath in Kuwait

Governorate, following her appointment as non-resident ambassador for the Governorate to Harare, the capital of Zimbabwe".

5. In addition, the official radio, which is the voice of the regime in power in Baghdad, deliberately uses the term "Kuwait area" whenever the context calls for a mention of the State of Kuwait, a clear indication that the Government of the Iraqi regime still persists in its allegations that the State of Kuwait is a part of Iraq.

The above examples are irrefutable proof that Iraq continues to be defiant with regard to compliance with the relevant Security Council resolutions. In addition, they constitute a flagrant breach of the obligations which Iraq entered into by its acceptance of these resolutions and, consequently, defiance of the will of your esteemed Council and the will of the international community. The continued Iraqi allegations that Kuwait is a part of Iraq are not the only evidence of Iraq's refusal to comply with Security Council resolution 687 (1991) and all the other relevant resolutions. The following provides evidence of an additional failure on Iraq's part to comply with the will of the Security Council.

Prisoners and missing persons (Kuwaitis and nationals of third countries)

With regard to this humanitarian question, in spite of the elapse of some three years since the adoption of Security Council resolution 687 (1991) and in spite of Iraq's official acceptance of this resolution, no progress has been made, as evidenced by the following:

1. Iraq has persistently refused to attend the meetings of the tripartite committee (composed of the members of the Coalition, Iraq and the International Committee of the Red Cross (ICRC)), which deals with the question of prisoners, detainees and missing persons. Iraq refused to attend the most recent meetings of the tripartite committee which were convened by ICRC and met at Geneva recently.

2. Iraq has so far not discharged its obligations under paragraph 30 of resolution 687 (1991), which requires that Iraq extend all necessary cooperation to ICRC, providing lists of prisoners and detainees, facilitating the access of ICRC to the places where they are located or detained and facilitating its search for such persons.

3. Iraq has so far not responded to the official request from ICRC to obtain information concerning the files of 627 individuals, even though it is now 10 months since the files were handed over to Iraq. Iraq has thus reneged on its previous undertaking to provide an answer on each file within 10 days of receiving it.

4. Outside the framework of the Security Council machinery, Iraq prevented the Envoy of the Secretary-General to the League of Arab States, Mr. Rashid Idris, from performing his mission of visiting Iraq and using his good offices as a means of securing the release of the prisoners and detainees. Similarly, Iraq frustrated the endeavours of the ruler of Morocco, His Majesty King Hassan II,

and his mediation efforts aimed at securing the release of Kuwaiti prisoners and detainees.

5. In another shameless and vicious attempt to disrupt action on this vital issue, Iraq recently called for the establishment of a committee composed of Morocco, Qatar and members of the Kuwaiti Parliament "to clear up this issue with an investigation of the facts directly". This Iraqi proposal, which represents an admission on the part of Iraq that there are in fact prisoners and detainees of Kuwaiti and other nationalities, was designed to confuse the issue. It is aimed at confusing the issue and sidestepping the relevant Security Council resolutions and the efforts of ICRC. With regard to this proposal, it should be pointed out that Kuwait welcomes all efforts aimed at promoting a solution of this humanitarian issue, provided that such efforts are made in the context of the will of the international community as embodied in Security Council resolution 687 (1990) and all the other relevant resolutions.

Compensation Fund

Iraq has not fulfilled its obligations with regard to compensation under section E of resolution 687 (1991) and still refuses to implement resolutions 706 (1991) and 712 (1991), which constitutes a violation that injures Iraqis and non-Iraqis alike. The humanitarian aspect of this question cannot be disregarded.

Return of property seized from the private sector

Iraq still insists that it is not responsible for returning the property, valued at hundreds of millions of dollars, which was stolen from the private sector and most of which was removed to Iraq, as documented in the lists published by the various Iraqi ministries (S/26449).

Iraqi nationals and their property in Kuwait

Although Kuwait is committed to compensating Iraqi land-owning farmers for their property on the Kuwaiti side of the boundary, Iraq still rejects the principle of the resettlement and compensation of these farmers. Furthermore, the Iraqi authorities are putting pressure on the land-owning farmers to refuse to cooperate with the United Nations expert surveyor entrusted with the task of assessing property values and the number of Iraqi nationals located on the Kuwaiti side of the border.

The above-mentioned issues are a clear indication of Iraq's persistence in following the policy of defiance of Security Council resolutions. Since the objective of these resolutions is to ensure full respect for the independence, sovereignty and territoriality of Kuwait, it is incumbent on the international community to take appropriate measures to guarantee Iraq's compliance with all the relevant Security Council resolutions, in letter and in spirit. The Council should deal not only with the effects of the invasion and occupation of Kuwait but also with the motives behind the invasion. In other words, the Security Council should focus on the ongoing Iraqi insistence that Kuwait is a part of Iraq. Otherwise, Iraqi objectives will continue to present a threat to peace and security in the region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nasser S. B. AL-SABEEH
Chargé d'affaires a.i.